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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,544	10/14/2003	Mark R. Godsil	4-3709-002	4936

7590
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12/30/2004

EXAMINER

NGUYEN, SON T

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,544

Applicant(s)

GODSIL, MARK R.

Examiner

Son T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4,6-10 and 12-18 is/are rejected.
7) ☒ Claim(s) 5 and 11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/14/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3,7-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (GB 2244928A).

For claim 1, Lee teaches a method of constructing jump cups 5,6 for agility competitions, a jump bar 3 being supported by said cups 5,6 and the cups being supported by jump standards 1, said cups being made of metallic round stock, the method comprising the steps of: bending the metallic round stock into a substantially arcuate shape, an inner diameter of the arc being substantially equal to a diameter of the bar; and operably attaching said arcuate shaped round stock to the standards such the arc lies in a substantially vertical plane and is spaced away from the standard. See figs. 10-14.

For claims 2 & 3, Lee teaches wherein said arcuate shaped metallic round stock is operably attached to a support that is held substantially horizontal when operably attached to the standard; wherein two supports are formed by bending the metallic round stock at each end of the arcuate shape. As shown in the figures, especially for cup 6.

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For claim 7, Lee teaches a jump cup for agility tests, a jump comprising at least two jump standards 1, a jump bar 3 and at least two jump cups 5,6, said jump cup comprising: a section of metallic round stock bent into an arcuate shape, an inner diameter of the arc being substantially equal a diameter of the jump bar; and means(the bracket with holes) for attaching said arcuate shaped metallic round stock to a jump standard such that the arc lies in a substantially vertical plane and is spaced away from the jump standard.

For claims 8 & 9, Lee teaches additionally comprising a support that is held substantially horizontal when operably attached to the standard, the arcuate shaped metallic round stock being operably attached to said support; wherein the support comprises two supports that are formed by bending the metallic round stock at each end of the arcuate shape. As shown in the figures, especially for cup 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4,6,10,12-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.

For claims 4 & 6, Lee teaches arranging two additional lengths of metallic round stock parallel to one another (the two bars coming out of cup 5), and operably attaching said assembly of jump cups to the standard. However, Lee is silent about operably

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attaching a plurality of the jump cups to the two lengths of metallic round stock, spacing them a predetermined distance apart to make an assembly of jump cups. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of operably attaching a plurality of the jump cups to the two lengths of metallic round stock, spacing them a predetermined distance apart to make an assembly of jump cups in the method of Lee, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art to create the whole assembly.

For claims 10 & 12, Lee teaches arranging two additional lengths of metallic round stock parallel to one another (the two bars coming out of cup 5), and operably attaching said assembly of jump cups to the standard. However, Lee is silent about operably attaching a plurality of the jump cups to the two lengths of metallic round stock, spacing them a predetermined distance apart to make an assembly of jump cups. It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach a plurality of the jump cups to the two lengths of metallic round stock, spacing them a predetermined distance apart to make an assembly of jump cups in the jump cup of Lee, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art to create the whole assembly.

For claim 13-18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the stock of Lee out of wire, rod stock, powder coated, and stainless steel, since it has been held to be within the

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general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice.


Allowable Subject Matter

5. **Claims 5 & 11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 703-305-0765. The examiner can normally be reached on Mon-Fri from 9:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Son T. Nguyen
Primary Examiner
Art Unit 3643

stn